

**ENTERED**

August 07, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

MERARDO HERNANDEZ,  
"Plaintiff",

v.

TEXAS HEALTH AND HUMAN  
SERVICES COMMISSION,  
"Defendant".

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Civil Action No. 1:22-cv-00157

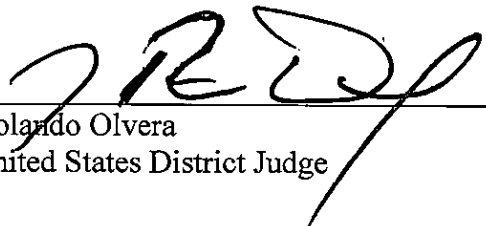
**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is Defendant's "Motion to Dismiss Plaintiff's First Amended Complaint" ("MTD") (Dkt. No. 10) and the "Magistrate Judge's Report and Recommendation" ("R&R") (Dkt. No. 16). The R&R recommends this Court (1) grant Defendant's MTD (Dkt. No. 10); and (2) direct the Clerk of Court to close this case.

No objections were filed by either party. When no objections are filed to a magistrate judge's ruling, the district court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Finding no clear error, abuse of discretion, or finding contrary to law, the R&R is **ADOPTED**.

Defendant's MTD (Dkt. No. 10) is **GRANTED**. Plaintiff's claims are **DISMISSED**. The Clerk of Court is **ORDERED** to close this case.

Signed on this 7<sup>th</sup> day of August, 2023.

  
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Rolando Olvera  
United States District Judge